

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 107 of 2021**

- Sanjay Agrawal S/o Shri Mahangi Lal Agrawal, Aged about 52 years, R/o School Para Baikunthpur, Tahsil- Baikunthpur, District Koriya (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station AJAK Thana, Baikunthpur, District Koriya (C.G.)

---- State/Respondent

Criminal Appeal No. 212 of 2021

- Mohammad Farid Khan S/o Late Fajalurahman Khan, aged about 42 years, Occupation Revenue Inspector, R/o Village Patna, Parsapara, Police Station Patna, Tahsil Baikunthpur, District Koriya (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police of Police Station AJAK Baikunthpur, District Koriya (C.G.)

---- State/Respondent

And**Criminal Appeal No. 180 of 2021**

- Admon Lakra son of Nestar Lakra, aged about 66 years, resident of Fundul Dihari, Lakrapara, Ambikapur, District Surguja (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Adim Jati Kalyan Thana (AJK) Baikunthpur, District Koriya (C.G.)

---- State/Respondent

For Appellant	:	Shri R.K. Gupta, Advocate appears in Cr.A. No. 107/2021
For Appellant	:	Shri Anil Gulati, Advocate appears in Cr.A. No. 212/2021
For Appellant	:	Shri Goutam Khetrapal, Advocate appears alongwith Shri Sanjay Pathak & Shri Kapil Maini, Advocates in Cr.A. No. 180 of 2021
For Respondent/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General
For Complainant/Objector	:	Shri Pragalbha Sharma, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

05.04.2021

1. The appeal (Cr.A. No. 107/2021) by accused/appellant Sanjay Agrawal under Section 14A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 14.12.2020 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act, Koriya, Baikunthpur (C.G.) in Bail Petition No. 206/2020, refusing to allow his regular bail under Section 439 Cr.P.C.
2. The appeal (Cr.A. No. 212/2021) by accused/appellant Mohammad Farid Khan under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 04.02.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act, Koriya, Baikunthpur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C.
3. The appeal (Cr.A. No. 180/2021) by accused/appellant Admon Lakra under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 14.01.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act, Koriya, Baikunthpur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C.
4. As all these appeals preferred by the above appellants arise out of the same Crime Number i.e. 32/2020 registered in Police Station- AJAK Police Station, Baikunthpur, District Koriya (CG) for the offence punishable under Sections 294, 506, 420, 467, 468, 471, 374 & 120-B of IPC and Sections 3 (1) (r) (s), 3 (1) (h) & 3 (1) (f) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against all the appellants, they are being disposed of by this common judgment.

5. Case of the prosecution, in brief is that complainant Santkumar made a complaint against applicant Sanjay Agrawal alleging that he was working as a clerk/*Mushi* in the office of Sanjay Agrawal. It is alleged that amount Rs.2,75,000/- was borrowed by the complainant from Sanjay Agrawal and on account of this, Sanjay Agrawal used to humiliate him by using filthy language with regard to the caste. It is further alleged that Sanjay Agrawal had forcibly taken the signatures of complainant on various document and prepared a power of attorney of one Arvind Singh in the name of the complainant on 25.10.2017 where he (Sanjay Agrawal) was one of the witness. After the death of said Arvind Singh on 05.01.2018, on the basis of the said forged power of attorney the land belonging to Arvind Singh was sold to four persons on 28.08.2019.

Allegation against appellants Mohammad Farid Khan and Admon Lakra is that while working as Revenue Inspector and Additional Collector respectively, they in conspiracy with appellant Sanjay Agrawal sold the land of one Shanti Bai, a member of scheduled tribe, to non-scheduled tribe person who was employee of appellant (Sanjay Agrawal) by preparing forged documents.

6. Learned counsel for the appellants submits that complainant Santkumar was working as Peon under Sarva Siksha Department and was also working part-time under appellant Sanjay Agrawal as *Munshi* from the year 2013 till lodging of the F.I.R. They submit that number of cases were earlier registered against Sanjay Agrawal on account of political rivalry and he has been granted bail by this Court in another Crime Number i.e. 227/2020 vide order dated 18.01.2021 passed in M.Cr.C. No. 6765 of 2020 and also granted bail by the coordinate bench of this Court in Crime Number i.e. 243/2020 vide order dated 28.01.2021 passed in M.Cr.C. No. 7887 of 2020 and he did not misuse the liberty of bail. They also submit that no one challenged the power of attorney executed by Arvind Singh in favour of the

complainant, nor any suit was filed regarding sale of land by legal heirs of Arvind Singh or the complainant. They submit that in the present case a long delayed F.I.R. lodged by the complainant against Sanjay Agrawal, therefore, he be released on bail.

So far as appellants Mohammad Farid Khan and Admon Lakra are concerned, they have no criminal antecedents. Learned counsel for the appellants submit that appellant Admon Lakra was working as Additional Collector at the time incident and now he has retired. He has been falsely implicated in this case. Appellant Mohammad Farid Khan who was working as Revenue Inspector at the time of incident has been also falsely implicated in this case whereas no conspiracy was done by him with appellant Sanjay Agrawal. Therefore, appellants Mohammad Farid Khan and Admon Lakra be also released on bail.

7. Learned counsel for the State as well as counsel for the complainant opposing the submission made by the appellants' counsel submit that the trial Court has rightly rejected the bail applications of the appellants and there is no illegality or infirmity in the same warranting interference by this Court.
8. Learned counsel for the complainant also submits that since appellant Sanjay Agrawal is an influential person, there is apprehension of his tampering with the evidence, influencing the witnesses or absconding. He further submits that appellant Sanjay executed sale-deed with many persons fraudulently.
9. It is true that complainant Santkumar was working part-time as *Munshi* in the office of appellant Sanjay Agrawal since the year 2013 till lodging of the F.I.R. and he was also working as Peon under Sarva Siksha Department, but he did not lodge any complaint during this period and after a long delay he lodged the F.I.R. on 18.09.2020.

10. Considering the facts and circumstances of the case, the delayed F.I.R. lodged by complainant Santkumar against appellant Sanjay Agrawal, he has already been granted bail by this Court & coordinate bench of this Court in other crime numbers, and that appellants Mohammad Farid Khan and Admon Lakra have no criminal antecedent, the detention period of the appellants, charge-sheet has already been filed, conclusion of the trial is likely to take some time and there is no apprehension of the appellants tampering with the evidence or absconding, without expressing any opinion on the merits of the case, this Court is of the opinion that present are the fit cases for grant of bail to the appellants. Accordingly, the appeals are allowed.

11. It is directed that in the event of each of the appellants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial.
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

12. In the result, Cr.A. No. 107 of 2021, Cr.A. No. 212 of 2021 and Cr.A. No. 180 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge